UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

WEB TELEPHONY, LLC., an Illinois corporation, Plaintiff, vs. Verizon Communications, Inc., a Delaware corporation, AT&T Corp., a New York corporation, AT&T Inc., a Delaware corporation, EarthLink, Inc., a Delaware corporation, SunRocket Corp., a Delaware corporation, Vonage Holdings Corp., a Delaware corporation, and Vonage America, Inc., a Delaware corporation, Defendants.	CASE NO. 2:07-CV-85 (DF) **JURY DEMANDED**

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Web Telephony, LCC ("Web Telephony") sues Defendants Bell Atlantic Communications, Inc., AT&T Corp., EarthLink, Inc., SunRocket Corp., Vonage Holdings Corp., and Vonage America, Inc. and on information and belief, alleges as follows:

Introduction

1. Plaintiff Web Telephony owns the invention described and claimed in United States Patent Nos. 6,445,694 entitled "Internet Controlled Telephone System" (the "'694 Patent") and 6,785,266 also entitled "Internet Controlled Telephone System" (the "'266 Patent"). Defendants (a) have used and continued to use Plaintiff's patented technology in products that they make, use, sell, and offer to sell, without Plaintiff's permission, and (b) have contributed to or induced, and continue to contribute to or induce, others to infringe the '694 and '266 Patents. Plaintiff Web Telephony seeks damages for patent infringements and an injunction

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preventing Defendants from making, using, selling, or offering to sell, and from contributing to and inducing others to make, use, sell, or offer to sell, Plaintiff's patented technology without permission.

Jurisdiction and Venue

2. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271 and 281, et seq. The Court has original jurisdiction over this patent infringement action under 28 U.S.C. §§ 1338(a).

3. Venue is proper in this Court because the Defendants are responsible for acts of infringement occurring in the Eastern District of Texas as alleged in this Complaint, and have delivered or caused to be delivered its infringing products in the Eastern District of Texas.

Plaintiff Web Telephony

4. Plaintiff Web Telephony, LLC is a corporation existing under and by virtue of the laws of the State of Illinois.

The Patents

5. The United States Patent and Trademark Office issued the '694 Patent on September 3, 2002. A copy of the '694 Patent is attached as Exhibit A. The United States Patent and Trademark Office issued the '266 Patent on August 31, 2004. A copy of the '266 Patent is attached as Exhibit B. Through assignment, Plaintiff is the owner of all right, title, and interest, including rights for damages for past infringements, in the '694 and '266 Patents.

Defendants

Bell Atlantic Communications, Inc.

6. On information and belief, defendant Bell Atlantic Communications, Inc. ("Bell Atlantic Communications") is a corporation organized and existing under the laws of the

State of Delaware doing business under the name Verizon Long Distance ("Verizon"), with its principle place of business at 140 West Street, New York, New York, 10007.

AT&T

7. On information and belief, defendant AT&T Corp. ("AT&T Corp.") is a corporation organized and existing under the law of New York, with its principle place of business at One AT&T Way, Bedminister, New Jersey, 07921.

EarthLink

8. On information and belief, defendant EarthLink, Inc. ("EarthLink") is a corporation organized and existing under the laws of Delaware, with its principle place of business at 1375 Peachtree Street, Atlanta, Georgia, 30309.

SunRocket

9. On information and belief, defendant SunRocket, Inc. ("SunRocket") is a corporation organized and existing under the laws of Delaware, with its principle place of business at 8045 Leesburg Pike, Vienna, Virginia, 22182.

Vonage

10. On information and belief, defendant Vonage Holdings Corp. ("Vonage") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 23 Main Street, Holmdel, New Jersey 07733.

11. On information and belief, defendant Vonage America, Inc. ("Vonage America") is a wholly owned subsidiary of Vonage Holdings Corp. and is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 23 Main Street, Holmdel, New Jersey 07733.

First Claim for Patent Infringement ('694 Patent)

Against Defendants

12. Plaintiff incorporates by reference each of the allegations in paragraphs 1 - 11 above.

13. On or about September 3, 2002, the '694 Patent, disclosing and claiming an "Internet Controlled Telephone System," was duly and legally issued by the United States Patent and Trademark Office.

14. Plaintiff Web Telephony is the owner of the '694 Patent with full rights to pursue recovery of royalties or damages for infringement of such patent, including full rights to recover past and future damages.

15. Defendants have infringed, contributed to the infringement, and induced others to infringe the '694 Patent and, unless enjoined, will continue to infringe the '694 Patent by manufacturing, using, selling, offering for sale, or by using the method(s) claimed in the Patent or by contributing to or inducing others to make, use, sell, or offer to sell, the claimed invention or use the claimed methods(s) without a license or permission from Plaintiff.

16. Plaintiff has been damaged by Defendants' infringement of the '694 Patent and will suffer additional irreparable damage and impairment of the value of its patent rights unless Defendants are enjoined from continuing to infringe the '694 Patent.

17. Upon information and belief, Defendants' acts of infringement have been, and continue to be committed with full knowledge of Plaintiff's rights in the '694 Patent, and in willful and wanton disregard of Plaintiff's rights, rendering this an exceptional case under 35 U.S.C. § 285.

Second Claim for Patent Infringement ('266 Patent)

Against Defendants

18. Plaintiff incorporates by reference each of the allegations in paragraphs 1 - 11 above.

19. On or about August 31, 2004, the ‘266 Patent, disclosing and claiming an “Internet Controlled Telephone System,” was duly and legally issued by the United States Patent and Trademark Office.

20. Plaintiff Web Telephony is the owner of the ‘266 Patent with full rights to pursue recovery of royalties or damages for infringement of such patent, including full rights to recover past and future damages.

21. Defendants have infringed, contributed to the infringement, and induced others to infringe the ‘266 Patent and, unless enjoined, will continue to infringe the ‘266 Patent by manufacturing, using, selling, offering for sale, or by using the method(s) claimed in the Patent or by contributing to or inducing others to make, use, sell, or offer to sell, the claimed invention or use the claimed methods(s) without a license or permission from Plaintiff.

22. Plaintiff has been damaged by Defendants’ infringement of the ‘266 Patent and will suffer additional irreparable damage and impairment of the value of its patent rights unless Defendants are enjoined from continuing to infringe the ‘266 Patent.

23. Upon information and belief, Defendants’ acts of infringement have been, and continue to be committed with full knowledge of Plaintiff’s rights in the ‘266 Patent, and in willful and wanton disregard of Plaintiff’s rights, rendering this an exceptional case under 35 U.S.C. § 285.

24. Plaintiff demands trial by jury of all issues.

WHEREFORE, Plaintiff prays for judgment as follows:

A. A decree preliminarily and permanently enjoining Defendants, their officers, directors, employees, agents, and all persons in active concert with them, from infringing, and contributing to or inducing others to infringe, the ‘694 and ‘266 Patents;

B. Compensatory damages awarding Plaintiff damages caused by Defendants’ infringement of the ‘694 and ‘266 Patents;

C. Enhancement of Plaintiff's damages by reason of the nature of Defendants' infringement pursuant to 35 U.S.C. § 284;

D. For costs of suit and attorneys fees;

E. For pre-judgment interest; and

F. For such other relief as justice requires.

Dated: June 1, 2007

Respectfully submitted,

By: /s/ Elizabeth L. DeRieux

S. Calvin Capshaw
State Bar No. 03783900
Email: ccapshaw@mailbmc.com
Elizabeth L. DeRieux
State Bar No. 05770585
Email: ederieux@mailbmc.com
Brown McCarroll, L.L.P.
1127 Judson Road, Suite 220
Longview, TX 75601
Telephone: (903) 236-9800
Facsimile: (903) 236-8787

Robert Christopher Bunt
State Bar No. 00787165
Email: rcbunt@pbatyler.com
Robert M Parker
State Bar No. 15498000
Email: rmparker@pbatyler.com
Parker, Bunt, & Ainsworth, P.C.
100 East Ferguson, Ste. 1114
Tyler, TX 75702
Telephone: 903/531-3535
Facsimile: 903/533-9687

Of Counsel:

Gregory S. Dovel
State Bar No. 135387
Sean A. Luner
State Bar No. 165443
Dovel & Luner, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, CA 90401
Telephone: 310-656-7066
Facsimile: 310-657-7069
Email: greg@dovellaw.com

ATTORNEYS FOR PLAINTIFF,
WEB TELEPHONY, LLC.

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 1st day of June, 2007, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/Elizabeth L. DeRieux
Elizabeth L. DeRieux